

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

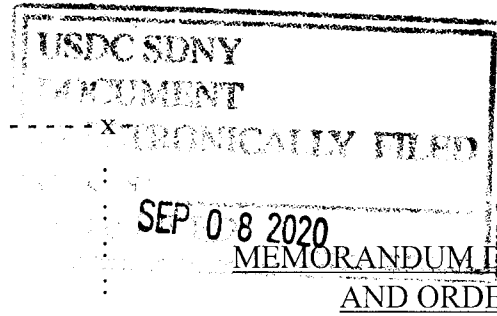
ONEIDA CANTOS,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



19 Civ. 4269 (GBD) (SDA)

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GEORGE B. DANIELS, United States District Judge:

Plaintiff Oneida Cantos brings this action against Defendant the Commissioner of Social Security under the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), seeking review of an administrative law judge's decision denying Plaintiff disability insurance benefits. (Compl., ECF No. 1, ¶ 1.) Both parties moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (Notice of Mot., ECF No. 12; Notice of Cross Mot., ECF No. 20.)

Before this Court is Magistrate Judge Stewart D. Aaron's July 31, 2020 Report and Recommendation (the "Report"), recommending that Plaintiff's motion be granted to the extent that this case be remanded to the Social Security Administration ("SSA") for further proceedings and Defendant's cross-motion be denied. (Report, ECF No. 23, at 27.) Magistrate Judge Aaron advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.* at 28.) No objections have been filed.

A court "may accept, reject, or modify, in whole or in part, the findings or recommendations" set forth in a magistrate judge's report. 28 U.S.C. § 636(b)(1)(C). A magistrate judge's report to which no objections are made is reviewed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). Clear error is present when, "upon review of the entire record, [the court is] left with the definite and firm conviction that a


mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation and internal quotation marks omitted).

Magistrate Judge Aaron concluded that the administrative law judge erred in denying Plaintiff disability insurance benefits. Specifically, he found that the judge erred in (1) failing to consider all of Plaintiff’s impairments; and (2) misapplying the treating physician rule. (Report at 22–26.) Magistrate Judge Aaron’s findings regarding the administrative law judge’s errors were well-reasoned and grounded in fact and law. This Court has reviewed the Report, and finds no error, clear or otherwise. Accordingly, Magistrate Judge Aaron’s Report is ADOPTED.

Plaintiff’s motion for judgment on the pleadings, (ECF No. 12), is GRANTED and the matter is remanded for further proceedings. Defendant’s cross-motion for judgment on the pleadings, (ECF No. 20), is DENIED. The Clerk of Court is directed to close the motions accordingly.

Dated: New York, New York  
September 8, 2020

SO ORDERED.

  
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GEORGE B. DANIELS  
United States District Judge